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11 AXA EQUITABLE LIFE INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT OF CALIFORNIA
13 SOUTHERN DIVISION

14 AXA EQUITABLE LIFE INSURANCE
15 COMPANY,

16 Plaintiff,

17 v.

18 H. THOMAS MORAN, II, Court-
19 Appointed Receiver of LYDIA CAPITAL,
20 LLC, and DAWSON & OZANNE, as
21 Trustee of the Alvin Fischbach Irrevocable
22 Trust,

23 Defendants.

Case No. 3:08-cv-00569-BTM-BLM

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANT DAWSON &
OZANNE TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF AXA EQUITABLE LIFE
INSURANCE COMPANY'S
COMPLAINT**

24 Plaintiff, AXA Equitable Life Insurance Company ("AXA Equitable"), and
25 Defendant, Dawson & Ozanne, hereby submit this Joint Motion for Extension of Time
26 for Defendant Dawson & Ozanne to Answer or Otherwise Respond to Plaintiff's
27 Complaint, and in support thereof, aver as follow:

- 28 1. On March 26, 2008, AXA Equitable filed its Complaint against H. Thomas
Moran, II, Court-Appointed Receiver of Lydia Capital, LLC, and Dawson &
Ozanne, as Trustee of the Alvin Fischbach Irrevocable Trust.
2. On April 30, 2008, counsel for Dawson & Ozanne signed a Waiver of Service of

1 Summons and agreed to answer or otherwise respond to AXA Equitable's
2 Complaint by May 27, 2008.

- 3 3. On May 1, 2008, counsel for Defendant H. Thomas Moran, II, Court- Appointed
4 Receiver of Lydia Capital, LLC ("Mr. Moran"), provided counsel for AXA
5 Equitable with information in his possession relating to the underlying claims.
6 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with
7 information in its possession relating to the underlying claims.
8 5. Based on the information exchanged by AXA Equitable and Mr. Moran, AXA Equitable
9 intends to amend its Complaint within the next thirty (30) days.
10 6. Furthermore, in order for AXA Equitable to further evaluate the underlying claims
11 at issue in light of the exchange of information, AXA Equitable and Dawson &
12 Ozanne respectfully move this Court for an extension of thirty (30) days for
13 Dawson & Ozanne to answer or otherwise reply to AXA Equitable's Complaint.
14 7. Neither AXA Equitable nor Dawson & Ozanne have previously moved for an
15 extension of time for Dawson & Ozanne to answer or otherwise respond to AXA
16 Equitable's Complaint.

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1 WHEREFORE, AXA Equitable Life Insurance Company and Dawson & Ozanne,
2 respectfully request this Court grant their Joint Motion for Extension of Time for
3 Defendant Dawson & Ozanne to Answer or Otherwise Respond to Plaintiff's Complaint.

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5 Dated: May __, 2008

6
7 /s/ James A. Tabb

/s/ S. Fey Epling

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